REMARKS

The Office Action mailed December 28, 2007 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Claim Status and Amendment of the Claims

Claims 74-75, 77-80, 82-83, 85-88, 90-91, 93-96, 98-99, 101-104, and 106-113 are currently pending.

No claims stand allowed.

Claim 75 has been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification and figures as originally filed.

Claims 1-73, 76, 81, 84, 89, 92, 97, 100, and 105 were previously cancelled, without prejudice or disclaimer of the subject matter contained therein.

The First 35 U.S.C. § 103 Rejection

Claims 74, 75, 79, 82, 83, 87, 90, 91, 95, 98, 99, and 103 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chen et al.[1] in view of Williams,[2] and further in view of Schrobenhauzer et al.,[3] among which claims 74, 82, 90, and 98 are independent claims.[4] This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references

[1] U.S. Patent No. 6,076,107 to Chen et al.
[2] U.S. Patent No. 6,151,630 to Williams.
[3] U.S. Publication No. 2001/0047456 to Schrobenhauzer et al.
[4] Office Action dated December 28, 2007, ¶ 8.

themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.[5]

Claim 74

Claim 74 recites:

A method for predictively responding to a network management data request, the method comprising:
receiving a first network management data request;
determining if the first network management data request matches a pattern of request defined and stored in advance in a memory, the pattern including one or more expected management data requests;
determining if data responsive to the first network management data request is contained in a cache of prefetched network management data if the first network management data request matches a pattern defined in the memory;
sending a response including the data responsive to the first network management data request, if the data responsive to the first network management data request is contained in the cache and if the first network management data request matches a pattern defined in the memory; and
collecting, if the first network management data request matches a pattern defined in the memory, data responsive to any remaining network management data requests in the matched pattern.

The Examiner states,

... Chen teaches a method of predictively responding to a network management data request, the method comprising: receiving a first network management data request (Chen, col. 6, lines 50-54); sending a response including the data responsive to the first network management data request, if the data responsive to the first network management data request is contained in the cache (Chen, col. 7, lines 1-7). Chen does not explicitly teach determining if a request contains a defined pattern. However, Williams teaches determining if the first data request matches a pattern of request defined in a memory (when a user first accesses server (i.e., server receives a request for a page from a new user)... processor initializes the allocated memory for variables associated with this session...this involves making and loading a copy of records of all pages ...of all sequences that are stored in server into allocated memory. This copy and not the originals will be used by processor to service the user's page-access requests - see Williams, col. 4, line 11-29), the pattern including one or more expected data requests (the author

[5] M.P.E.P § 2143.

> of pages 107 define[s] a sequence of pages - see Williams, col. 3, lines 26-27); and determining if data responsive to the first data request (a user requests a page by specifying a URL...Receipt of such a request at server invokes... processor [to] check[s] whether a record that corresponds to the received URL exists - see Williams, col. 4, lines 34-39) is contained in a cache of prefetched data (loading a copy of records of all pages of all sequences that are stored in server into allocated memory. This copy and not the originals will be used by processor to service the user's page-access requests. Optionally, processor may also place the corresponding pages in a cache memory - see Williams, col. 4, lines 20-30) if the first data request matches a pattern defined in the memory (a user requests a page by specifying a URL...Receipt of such a request at server invokes... processor [to] check[s] whether a record that corresponds to the received URL exists - see Williams, col. 4, lines 34-39); and collecting, if the first network management data request matches a pattern defined in the memory, data responsive to any remaining network data requests in the matched pattern (when a user first accesses server (i.e., server receives a request for a page from a new user)... processor initializes the allocated memory for variables associated with this session. This involves making and loading a copy of records of all pages ...of all sequences that are stored in server into allocated memory. This copy and not the originals will be used by processor to service the user's page-access requests - see Williams, col. 4, line 11-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chen in view of Williams in order to enable determining if a request contains a defined pattern. One would be motivated to do so in order to enable loading a copy of a set of data into a cache memory to service a user's requests.
>
> The combination of Chen and Williams does not explicitly teach a pattern of request defined and stored in advance in a memory. However, Schrobenhauzer teaches determining if the first data request matches a pattern of request defined and stored in advance in a memory (Schrobenhauzer, page 5, paragraph 112). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Chen and Williams in view of Schrobenhauzer in order to enable a pattern of request defined and stored in advance in a memory. One would be motivated to do so in order to eliminate waiting time for the response.[6]

The Applicant respectfully disagrees. In support of the Examiner's statement regarding Claim 74's limitation of "determining if the first network management data request matches a pattern of request defined and stored in advance in a memory, the pattern including one or more expected management data requests," the Examiner refers to portions of Williams that speak generally about a server receiving a request for a Web page when a user begins a session with a server.[7]

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[6] Office Action, pp. 3-5.

[7] *See* Williams at col. 4 ll. 11-29.

The Applicant respectfully submit the Examiner's attempt to equate a network management data request with a user's request for a Web page is improper. Williams does not teach determining if the first network management data request matches a pattern of requests ... where the pattern includes one or more expected management data requests as required by Claim 74, because the request of Williams is neither a *management* data request, nor an *expected* management data request (the request that has already been received cannot be considered to be "expected").

In response, the Examiner states:

> The examiner respectfully submits that in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The primary reference, Chen is use to show management data requests (the Manager issues a single GetRequest Protocol Data Unit (PDU) for three data items ((1,1), (1,2), (1,3)) to the Agent of the managed network device - see Chen, col. 6, lines 50-54). Williams provides functionality for the pattern including one or more expected data requests (the author of pages 107 define[s] a sequence of pages - see Williams, col. 3, lines 26-27). This renders the rejection proper, and thus the rejection stands.[8]

Again, the Applicant respectfully submits Williams does not disclose a pattern including one or more expected data requests as required by Claim 74. The sequence of pages of Williams cited by the Examiner has nothing to do with what data request is *expected*. The Abstract of Williams recites:

> A method, an apparatus, and a computer-readable programmed medium that facilitate browsing through an ordered sequence (108, 109) of World Wide Web pages (107) by automatically skipping over, or bypassing, previously viewed pages whenever the user requests a "Next Page" or a "Previous Page". A page owner creates a sequence by defining for each page in the sequence a page record (200) that specifies the page's URL (205), its sequential index value (210), an unviewed flag (220), and optionally page-descriptive information (230). Upon starting a session with a Web server (102), each user is given a copy of all page records. Each time a user requests access to any page by specifying its URL, the unviewed flag of the user's copy of that pages record is set to a viewed state. Each

[8] Office Action at p. 19.

> time a user requests access to any page by specifying a "Next Page" or a "Previous Page", the user's copy of the page records is used to find the first subsequent page or the first previous page, respectively, in the sequence to the page that is presently viewed by the user, whose unviewed flag is in the unviewed state, the state of the flag is changed to the viewed state, and the user is given access to this yet-unviewed page. At the end of each session, the page record copies that correspond to the session are deleted.[9]

Williams is directed towards a system that facilitates browsing through an ordered sequence of Web pages by automatically skipping over previously viewed pages whenever a user requests a "Next Page." Each page is associated with an "Unviewed flag" which is checked whenever a user requests a "Next Page." If the "Unviewed flag" of the next page in the ordered sequence is set to a viewed state, the page is skipped *despite* the fact that it is the next page in the ordered sequence. Since one cannot know whether a user will request a "Next Page" or a "Previous Page," and since the "Unviewed flag" of the next page in a sequence or a previous page in a sequence may or may not be set to a viewed state at any particular time, the sequence of pages disclosed by Williams does not disclose a pattern including one or more *expected* data requests as required by Claim 74.

Additionally, the Examiner contends Schrobenhauzer et al. discloses a pattern of request defined and stored in advance in a memory. However, Schrobenhauzer et al. says nothing about a pattern of requests. In support of the Examiner's statement, the Examiner refers to the following portion of Schrobenhauzer et al.:

> Further, according to the processor 1, for example in the case where the CPU 10 performs processing for continuous data or the case where the CPU 10 requests data with a predetermined address pattern, by transferring the data required by the CPU 10 from the external memory 14 to the data buffer memory 15 in advance before receiving the request from the CPU 10, the waiting time of the CPU 10 can be almost completely eliminated.[10]

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[9] Williams, Abstract.
[10] Schrobenhauzer et al. at ¶ 112.

Thus, Schrobenhauzer et al. talks about an *address* pattern, not a pattern of requests. The Applicants respectfully submit the Examiner's attempt to equate an address pattern with a pattern of request ... including one or more expected management data requests as required by Claim 74, is improper.

In response, the Examiner states:

> The examiner respectfully submits that in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The primary reference, Chen is use to show management data requests (the Manager issues a single GetRequest Protocol Data Unit (PDU) for three data items ((1,1), (1,2), (1,3)) to the Agent of the managed network device - see Chen, col. 6, lines 50-54). Schrobenhauzer provides functionality for determining if the first data request matches a pattern of request (CPU requests data with a predetermined ... pattern) defined and stored in advance in a memory (transferring the data required by the CPU..to the data buffer memory in advance before receiving the request from the CPU - see Schrobenhauzer, page 5, paragraph 112). This renders the rejection proper, and thus the rejection stands.[11]

The Applicant respectfully disagrees. Claim 74 recites in part:

> determining if the first network management data request matches a pattern of request defined and stored in advance in a memory, the pattern including one or more expected management data requests;
> determining if data responsive to the first network management data request is contained in a cache of prefetched network management data if the first network management data request matches a pattern defined in the memory;

The first "determining" element of Claim 74 thus refers to a pattern of request defined and stored in advance in a memory. And the second "determining" element of Claim 74 thus refers to a cache of prefetched network management data. In other words, the "pattern of request" is stored in the memory, and the prefetched network management data is stored in the cache. The "defined and stored in advance in a memory" refers to the "pattern of request." Whereas the

[11] Office Action at p. 20.

Examiner's Response repeated above indicates the Examiner is improperly equating Schrobenhauzer et al.'s transferring the data required by the CPU to the data buffer memory in advance, with a "pattern of request" required by Claim 74.

For this additional reason, the 35 U.S.C. § 103 Rejection of Claim 74 is unsupported by the cited art of record and must be withdrawn.

Claims 82 and 98

Claim 82 is a non-means-plus-function claim corresponding to method claim 74. Claim 98 is an *In re Beauregard* claim corresponding to method claim 74. Claim 74 being allowable, Claims 82 and 98 must also be allowable.

Claims 75, 79, 83, 87, 99, and 103

Claims 75 and 79 depend from Claim 74. Claims 83 and 87 depend from Claim 82. Claims 99 and 103 depend from Claim 98. Claims 74, 82, and 98 being allowable, Claims 75, 79, 83, 87, 99, and 103 must also be allowable.

The Second 35 U.S.C. § 103 Rejection

Claims 77, 78, 80, 85, 86, 93, 94, 101, 102 and 106-109 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chen et al. in view of Williams in view of Schrobenhauzer et al. and further in view of Crow et al.,[12] among which no claims are independent claims.[13] This rejection is respectfully traversed.

[12] U.S. Patent No. 6,442,651 to Crow et al.
[13] Office Action at p. 6

The arguments made above with respect to the 35 U.S.C. § 103 Rejection of Claims 74, 82, and 98 apply here as well. Claims 77, 78, 80, and 106 depend from Claim 74. Claims 85, 86, and 107 depend from Claim 82. Claims 101-102, and 109 depend from Claim 98. The 35 U.S.C. § 103 rejection of independent Claims 74, 82, and 98 based on Chen et al. in view of Williams and further in view of Schrobenhauzer et al. is unsupported by the cited art of record because Chen et al. in view of Williams and further in view of Schrobenhauzer et al. does not teach or suggest all the claim limitations. Therefore, the 35 U.S.C. § 103 rejection of dependent claims 77, 78, 80, 85, 86, 93, 94, 101, 102, and 106-109 based on Chen et al. in view of Williams, further in view of Schrobenhauzer et al., and further in view of Crow et al. is also unsupported by the cited art of record. Thus, a *prima facie* case has not been established and the rejection must be withdrawn.

Claim 77

Claim 77 recites:

> The method of claim 74, wherein the pattern further comprises a periodicity of the network management data requests contained in the pattern.

The Examiner states,

> ... Chen teaches the invention described in claim 74, including a method of predictively responding to a network management data request, the method comprising: receiving a first network management data request (Chen, col. 6, lines 50-54); sending a response including the data responsive to the first network management data request, if the data responsive to the first network management data request is contained in the cache (Chen, col. 7, lines 1-7). Chen does not explicitly teach determining if a request contains a defined pattern. However, Williams teaches determining if the first data request matches a pattern of request defined in a memory (when a user first accesses server (i.e., server receives a request for a page from a new user)... processor initializes the allocated memory for variables associated with this session ...this involves making and loading a copy of records of all pages...of all sequences that are stored in server into allocated memory. This copy and not the originals will be used by processor to service the user's page-access requests - see Williams, col. 4, line 11-29), the

pattern including one or more expected data requests (the author of pages 107 define[s] a sequence of pages - see Williams, col. 3, lines 26-27); and determining if data responsive to the first data request (a user requests a page by specifying a URL...Receipt of such a request at server invokes... processor [to] check[s] whether a record that corresponds to the received URL exists - see Williams, col. 4; lines 34-39) is contained in a cache of prefetched data (loading a copy of records of all pages of all sequences that are stored in server into allocated memory. This copy and not the originals will be used by processor to service the user's page-access requests. Optionally, processor may also place the corresponding pages in a cache memory - see Williams, col. 4, lines 20-30) if the first data request matches a pattern defined in the memory (a user requests a page by specifying a URL...Receipt of such a request at server invokes... processor [to] check[s] whether a record that corresponds to the received URL exists - see Williams, col. 4, lines 34-39); and collecting, if the first network management data request matches a pattern defined in the memory, data responsive to any remaining network data requests in the matched pattern (when a user first accesses server (i.e., server receives a request for a page from a new user)... processor initializes the allocated memory for variables associated with this session... this involves making and loading a copy of records of all pages ...of all sequences that are stored in server into allocated memory. This copy and not the originals will be used by processor to service the user's page-access requests - see Williams, col. 4, line 11-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chen in view of Williams in order to enable determining if a request contains a defined pattern. One would be motivated to do so in order to enable loading a copy of a set of data into a cache memory to service a user's requests. The combination of Chen and Williams does not explicitly teach a pattern of request defined and stored in advance in a memory. However, Schrobenhauzer teaches determining if the first data request matches a pattern of request defined and stored in advance in a memory (Schrobenhauzer, page 5, paragraph 112). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Chen and Williams in view of Schrobenhauzer in order to enable a pattern of request defined and stored in advance in a memory. One would be motivated to do so in order to eliminate waiting time for the response. The combination of Chen, Williams and Schrobenhauzer does not explicitly teach what the pattern comprises of. However, Crow teaches where the pattern further comprises a periodicity of the network management data requests contained in the pattern (Crow, col. 4, lines 24-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Chen, Williams and Schrobenhauzer in view of Crow in order to use a specific type of pattern. One would be motivated to do so in order to reduce latency in reviewing and presenting web documents to the users.[14]

The Applicant respectfully disagrees. In support of the Examiner's statement, the Examiner refers to the following portion of Crow et al.:

[14] Office Action, pp. 6-8.

> The cache 110 parses each web object 114 as it is received from the server device 130, separately and in parallel to any web client program operating at the client device 120. If the web object 114 is a web document 133 that includes at least one reference to embedded objects 134, the cache 110 identifies those references and those embedded objects 134, and determines if those embedded objects 134 are already maintained in the cache 110, either in the memory 112 or the storage 113.
>
> If those embedded objects 134 are not in the cache 110 at all, the cache 110 automatically, without need for a command from the web client, requests those embedded objects 134 from the server device 130.
>
> The cache 110 has a relatively numerous set of connections to the server communication path 131, and so is able to request a relatively numerous set of embedded objects 134 in parallel from the server device 130. Moreover, the cache 110 parses the web document 133 and requests embedded objects 134 in parallel with the web client at the client device 120 also parsing the web document 133 and requesting embedded objects 134. The embedded objects 134 are available to the cache 110, and thus to the client device 120, much more quickly.
>
> If those embedded objects 134 are maintained in the cache 110, but they are in the storage 113 and not in the memory 112, the cache 110 automatically, without need for a command from the web client, loads those embedded objects 134 from the storage 113 into the memory 112.
>
> In a preferred embodiment, those web objects 114 maintained in the cache 110 are periodically refreshed, so as to assure those web objects 114 are not "stale" (changed at the server device 130 but not at the cache 110). To refresh web objects 114, the cache 110 selects one web object 114 for refresh and transmits a request to the server device 130 for that web object 114. The server device 130 can respond with a copy of the web object 114, or can respond with a message that the web object 114 has not changed since the most recent copy of the web object 114 was placed in the cache 110. If the web object 114 has in fact changed, the cache 110 proceeds as in the case when a client device 120 requested a new web object 114 not maintained in the cache 110 at all. If the web object 114 has in fact not changed, the cache 110 updates its information on the relative freshness of the web object 114, as further described in the Cache Disclosures.[15]

The cited portion of Crow et al. speaks generally about the separate and parallel processing of (1) the receipt of web objects and (2) web client program operation at a client device. The cited portion of Crow et al. also speaks generally about automatically requesting embedded objects from a server device if the data is not already in a cache, but says nothing about a pattern comprising a periodicity of network management data requests *contained in the pattern* as required by Claim 77. For this additional reason, the 35 U.S.C. § 103 rejection of Claim 77

[15] Crow et al. at col. 4 ll. 24-67.

based on Chen et al. in view of Williams, further in view of Schrobenhauzer et al., and further in view of Crow et al. is unsupported by the cited art of record and the rejection must be withdrawn.

Claim 78

Claim 78 recites:

> The method of claim 106, wherein the initiating includes initiating periodic data collections at a rate matching a periodicity of the network management data requests contained in the pattern.

The Examiner states,

> ... Chen teaches the invention described in claim 106, including a method of predictively responding to a network management data request, the method comprising: sending a response including data responsive to the prefetched network management data request if the data responsive to the network management data request is contained in the cache of prefetched network management data (Chen, col. 7, lines 1-7); and initiating periodic data collections for data relating to the pattern if the data responsive to the network management data request is not contained in the cache of prefetched network management data (Chen, col. 7, lines 8-12).
> Chen does not explicitly teach determining if a request contains a defined pattern. However, Williams teaches determining if the data request contains a pattern (one record exists for each page that is included in a sequence - see Williams, Fig. 1, elements 108 and 109; col. 3, lines 1-3) defined in a memory and determining if data responsive to the data request (a user requests a page by specifying a URL...Receipt of such a request at server invokes... processor [to] check[s] whether a record that corresponds to the received URL exists - see Williams, col. 4, lines 34-39) is contained in a cache of prefetched data (loading a copy of records of all pages of all sequences that are stored in server into allocated memory. This copy and not the originals will be used by processor to service the user's pageaccess requests. Optionally, processor may also place the corresponding pages in a cache memory - see Williams, col. 4, lines 20-30) if the data request contains a pattern defined in the memory (a user requests a page by specifying a URL...Receipt of such a request at server invokes... processor [to] check[s] whether a record that corresponds to the received URL exists - see Williams, col. 4, lines 34-39). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chen in view of Williams in order to enable determining if a request contains a defined pattern. One would be motivated to do so in order to enable loading a copy of a set of data into a cache memory to service a user's requests. The combination of Chen and Williams does not explicitly teach a pattern of request defined and stored in advance in a memory. However, Schrobenhauzer teaches determining if the first data request matches a pattern of request defined and stored in advance in a

> memory (Schrobenhauzer, page 5, paragraph 112). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Chen and Williams in view of Schrobenhauzer in order to enable a pattern of request defined and stored in advance in a memory. One would be motivated to do so in order to eliminate waiting time for the response. The combination of Chen, Williams and Schrobenhauzer does not explicitly teach what the initiating periodic data collections comprise of. However, Crow teaches where the initiating includes initiating periodic data collections at a rate matching a periodicity of the network management data requests containing the pattern (Crow, col. 4, lines 24-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Chen, Williams and Schrobenhauzer in view of Crow in order to use a specific type of pattern. One would be motivated to do so in order to reduce latency in reviewing and presenting web documents to the users.[16]

The Applicant respectfully disagrees. The argument made above with respect to Claim 77 applies here as well. The cited portion of Crow et al. says nothing about what goes in a pattern, or periodicity of requests. For these additional reasons, the 35 U.S.C. § 103 rejection of Claim 78 based on Chen et al. in view of Williams, further in view of Schrobenhauzer et al., and further in view of Crow et al. is unsupported by the cited art of record and the rejection must be withdrawn.

Claim 106

Claim 106 recites:

> The method of claim 74, further comprising:
> if the first network management data request matches a pattern defined in the memory, but data responsive to the first network management data request is not contained in the cache, initiating periodic data collections for data responsive to network management data requests in the pattern.

The Examiner states,

> ... Chen teaches the invention described in claim 74, including a method of predictively responding to a network management data request, the method comprising: receiving a first network management data request (Chen, col. 6, lines 50-54); sending a response including the data responsive to the first network management data request, if the data responsive to the first network management

[16] Office Action, pp. 8-10.

data request is contained in the cache (Chen, col. 7, lines 1-7). Chen does not explicitly teach determining if a request contains a defined pattern. However, Williams teaches determining if the first data request matches a pattern of request defined in a memory (when a user first accesses server (i.e., server receives a request for a page from a new user)... processor initializes the allocated memory for variables associated with this session ...this involves making and loading a copy of records of all pages ...of all sequences that are stored in server into allocated memory. This copy and not the originals will be used by processor to service the user's page-access requests - see Williams, col. 4, line 11-29), the pattern including one or more expected data requests (the author of pages 107 define[s] a sequence of pages - see Williams, col. 3, lines 26-27); and determining if data responsive to the first data request (a user requests a page by specifying a URL... Receipt of such a request at server invokes... processor [to] check[s] whether a record that corresponds to the received URL exists - see Williams, col. 4, lines 34-39) is contained in a cache of prefetched data (loading a copy of records of all pages of all sequences that are stored in server into allocated memory. This copy and not the originals will be used by processor to service the user's page-access requests. Optionally, processor may also place the corresponding pages in a cache memory - see Williams, col. 4, lines 20-30) if the first data request matches a pattern defined in the memory (a user requests a page by specifying a URL... Receipt of such a request at server invokes... processor [to] check[s] whether a record that corresponds to the received URL exists - see Williams, col. 4, lines 34-39); and collecting, if the first network management data request matches a pattern defined in the memory, data responsive to any remaining network data requests in the matched pattern (when a user first accesses server (i.e., server receives a request for a page from a new user)... processor initializes the allocated memory for variables associated with this session ...this involves making and loading a copy of records of all pages ...of all sequences that are stored in server into allocated memory. This copy and not the originals will be used by processor to service the user's page-access requests - see Williams, col. 4, line 11-29) and the method further comprising: if the first network management data request matches a pattern defined in the memory, but data responsive to the first network management data request is not contained in the cache (loading a copy of records of all pages of all sequences that are stored in server into allocated memory. This copy and not the originals will be used by processor to service the user's page-access requests. Optionally, processor may also place the corresponding pages in a cache memory - see Williams, col. 4, lines 20-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chen in view of Williams in order to enable determining if a request contains a defined pattern. One would be motivated to do so in order to enable loading a copy of a set of data into a cache memory to service a user's requests. The combination of Chen and Williams does not explicitly teach a pattern of request defined and stored in advance in a memory. However, Schrobenhauzer teaches determining if the first data request matches a pattern of request defined and stored in advance in a memory Schrobenhauzer, page 5, paragraph 112). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Chen and

> Williams in view of Schrobenhauzer in order to enable a pattern of request defined and stored in advance in a memory. One would be motivated to do so in order to eliminate waiting time for the response. The combination of Chen, Williams and Schrobenhauzer does not explicitly teach what the initiating periodic data collections comprise of. However, Crow teaches initiating periodic data collections for data responsive to network management data requests in the pattern (Crow, col. 4, lines 24-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Chen, Williams and Schrobenhauzer in view of Crow in order to use a specific type of pattern. One would be motivated to do so in order to reduce latency in reviewing and presenting web documents to the users.[17]

The Applicant respectfully disagrees. The argument made above with respect to Claims 77 and 78 applies here as well. The cited portion of Crow et al. says nothing about what goes in a pattern, or periodicity of requests, let alone initiating periodic data collections for data responsive to network management data requests in the pattern. For these additional reasons, the 35 U.S.C. § 103 rejection of Claim 78 based on Chen et al. in view of Williams, further in view of Schrobenhauzer et al., and further in view of Crow et al. is unsupported by the cited art of record and the rejection must be withdrawn.

The Third 35 U.S.C. § 103 Rejection

Claims 80, 88, 96, 104, and 110-113 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chen et al. in view of Williams in view of Schrobenhauzer et al. and further in view of Murray,[18] among which no claims are independent claims.[19] This rejection is respectfully traversed.

The arguments made above with respect to the 35 U.S.C. § 103 Rejection of Claims 74, 82, and 98 apply here as well. Claims 80 and 110 depend from Claim 74. Claims 88 and 111

[17] Office Action, pp. 10-13.
[18] Murray, James D., "Windows NT SNMP," O'Reilly & Associates, Inc., January 1998: First Edition, pp. iv, 59-61.
[19] Office Action at p. 18.

depend from Claim 82. Claims 104 and 113 depend from Claim 98. The 35 U.S.C. § 103 rejection of independent Claims 74, 82, and 98 based on Chen et al. in view of Williams and further in view of Schrobenhauzer et al. is unsupported by the cited art of record because Chen et al. in view of Williams and further in view of Schrobenhauzer et al. does not teach or suggest all the claim limitations. Therefore, the 35 U.S.C. § 103 rejection of dependent claims 80, 88, 96, 104, and 110-113 based on Chen et al. in view of Williams, further in view of Schrobenhauzer et al., and further in view of Murray is also unsupported by the cited art of record. Thus, a *prima facie* case has not been established and the rejection must be withdrawn.

Claims 90-91, 93-96, 108, and 112

In the Applicant's Response dated October 3, 2007, the Applicant traversed the rejection of Claims 90-91, 93-96, and 108 under 35 U.S.C. § 103. The Applicant argued that, *inter alia*, the Examiner had not established a *prima facie* case with respect to means-plus-function claims 90-91, 93-96, and 108 because the Examiner had not shown for each means-plus-function claim, that the prior art structure or step is the same as or equivalent to the structure, material, or acts described in the specification which has been identified as corresponding to the claimed means or step plus function.[20] Considering that the Examiner has not provided any comments or rebuttal to Applicant's argument, but only restated prior rejections, it can be assumed that the Examiner agrees to the Applicant's arguments and that Claims 90-91, 93-96, and 108 are allowable.[21]

Claims 90-91, 93-96, 108, and 112 are means-plus-function claims. In support of the 35 U.S.C. § 103 rejections of Claims 90-91, 93-96, 108, and 112, the Examiner refers to the same

[20] Response dated October 3, 2007, at pp. 21-22.

portions of the cited references used in the Examiner's rejection of method claims, *In re Beauregard* claims, and non-means-plus-function apparatus claims. The Examiner is referred to the U.S. Patent and Trademark Office document entitled "Examination Guidelines For Claims Reciting A "Means or Step Plus Function" Limitation In Accordance With 35 U.S.C § 112, 6th Paragraph" ("Guidelines"), a copy of which is submitted herewith for the Examiner's convenience. The Guidelines state:

> ... Per our holding, the 'broadest reasonable interpretation' that an examiner may give means-plus-function language is that statutorily mandated in paragraph six. Accordingly, *the PTO may not disregard the structure disclosed in the specification corresponding to such language when rendering a Patentability determination* ...
> ... [The] examiner shall interpret a § 112, 6th paragraph "means or step plus function" limitation in a claim as limited to the corresponding structure, materials or acts described in the specification and equivalents thereof in acts accordance with the following guidelines.[22]

The Guidelines state further:

> ... if a prior art reference teaches identity of function to that specified in a claim, then under Donaldson an examiner carries the initial burden of proof for showing that the prior art structure or step is the same as or equivalent to the structure, material, or acts described in the specification which has been identified as corresponding to the claimed means or step plus function.[23]

As Claims 90-91, 93-96, 108, and 112 of the present application are means-plus-function claims they cannot be said to be drawn to identical subject matter as the method claims, the *In re Beauregard* claims, and the non-means-plus-function system claims. Furthermore, the Examiner has not shown for each means-plus-function claim, that the prior art structure or step is the same as or equivalent to the structure, material, or acts described in the specification which has been

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[21] *In re Herrmann*, 261 F.2d 598 (CCPA 1958) (The court noted that since applicant's arguments were not questioned by the examiner, the court was constrained to accept the arguments at face value and thus held the claims to be allowable); *See In re Soni*, 54 F.3d 746 (Fed. Cir. 1995).

[22] "Examination Guidelines For Claims Reciting A "Means or Step Plus Function" Limitation In Accordance With 35 U.S.C § 112, 6th Paragraph," U.S. Patent and Trademark Office, http://www.uspto.gov/web/offices/pac/dapp/pdf/exmgu.pdf, p. 1. (emphasis added)

[23] Guidelines at p. 3. (emphasis in original)

identified as corresponding to the claimed means or step plus function. Therefore, the Examiner has not established a *prima facie* case. Accordingly, the 35 U.S.C. § 103 rejections of Claims 90-91, 93-96, 108, and 112 must be withdrawn.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

The Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

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Dated: March 27, 2008

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